

A bill for an act

relating to public safety; establishing the statewide Minnesota prescription program; requiring use of tamper-resistant prescription drug forms; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 151.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[151.60] MINNESOTA PRESCRIPTION PROGRAM; CITATION.**

Sections 151.60 to 151.63 may be cited as the "Minnesota Prescription Program to Prevent Fraud and Abuse Act of 2009."

Sec. 2. **[151.61] SCOPE; PRACTICE.**

(a) Sections 151.60 to 151.63 apply to all licensed or registered practitioners with prescription authority. A pharmacist may not fill a written prescription that is issued by a Minnesota practitioner if the prescription is not written on the official tamper-resistant prescription drug form required under section 151.63.

(b) Sections 151.60 to 151.63 shall not apply to prescriptions generated within a licensed medical facility that results in the internal dispensing of prescription drugs to a patient receiving treatment in that facility when the patient is never in possession of the prescription. Nothing in sections 151.60 to 151.63 shall be construed to impact regulations regarding oral, electronic, or out-of-state prescription practices.

Sec. 3. **[151.62] BOARD DUTIES; PROGRAM OBJECTIVES.**

The Board of Pharmacy shall establish the statewide Minnesota prescription program to meet the following objectives:

(1) eliminate prescription drug fraud;

- (2) discourage the practice of doctor shopping;
- (3) reduce health care costs by eliminating fraud and abuse;
- (4) decrease emergency room visits due to nonmedical use of prescription drugs;
- (5) decrease deaths due to drug overdose;
- (6) decrease the demand on scarce medical resources;
- (7) enhance public safety by decreasing crimes associated with prescription drug fraud; and
- (8) prevent gateway to more dangerous drugs.

Sec. 4. **[151.63] OFFICIAL TAMPER-RESISTANT PRESCRIPTION DRUG FORM.**

- (a) The Board of Pharmacy shall issue an official tamper-resistant prescription drug form that:
 - (1) prevents counterfeit forms;
 - (2) prevents the erasure or modification of written instructions;
 - (3) supports the capability of automated validation through a pharmacy claims processing system;
 - (4) complies with all federal requirements for tamper-resistant prescription forms;
 - (5) prevents photocopy fraud by incorporating photocopy void pantograph technology on the front of the prescription form and a thermochromatic mark on the front and back of the prescription form;
 - (6) has a counterfeit protection bar code with human readable representation of the data in the bar code; and
 - (7) has a thermochromatic mark on the front and back of the prescription.
- (b) The official tamper-resistant prescription drug form must be provided to licensed or registered practitioners and facilities without charge. The forms may only be used by the person to whom they are issued and are not transferable. Practitioners and facilities shall immediately notify the board on forms supplied by the board of the loss, destruction, theft, or unauthorized use of any official state prescription forms issued to them as well as the failure to receive official state prescription forms within a reasonable time after ordering them from the board. Upon receipt of notification, the board shall take the necessary action to prevent the use of lost or stolen prescription forms. The board shall notify the attorney general if appropriate for ongoing investigation.

Sec. 5. **[151.64] RULEMAKING AUTHORITY.**

3.1 The Board of Pharmacy shall adopt rules necessary to implement the provisions of
3.2 sections 151.61 to 151.63.

3.3 Sec. 6. **GRANT FOR IMPLEMENTING THE MINNESOTA PRESCRIPTION**
3.4 **PROGRAM.**

3.5 Of the money available to Minnesota from the American Recovery and Reinvestment
3.6 Act of 2009, Public Law 111-5, and allocated to the Department of Human Services
3.7 for grants for health care needs, \$..... is appropriated to the Board of Pharmacy to
3.8 be disbursed as a grant to the Board of Pharmacy for the purpose of implementing the
3.9 Minnesota prescription program.